

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Mark Mandeville

v.

Civil No. 05-cv-092-JD

Carole Anderson, et al.

REPORT AND RECOMMENDATION

Mark Mandeville filed a multi-claim suit against a number of employees of the Merrimack County Department of Corrections. The matter came before me for preliminary review to determine whether Mandeville had stated any claims upon which relief might be granted, and if so, which defendants should be served with the claims. I issued both a Report and Recommendation and an Order on July 21, 2005 (document nos. 5 & 6) directing that some of the claims be served against some of the named defendants, and recommending that some of the claims and defendants be dismissed from the action. The District Judge approved the Report and Recommendation on August 29, 2005 (document no. 11).

As a result of the Court's approval of the Report and Recommendation, Mandeville's claim alleging verbal harassment was dismissed from this action. The Report and Recommendation

inadvertently neglected to specifically recommend dismissal of one of the named defendants to that claim, Sgt. Joel Robinson. Robinson was not alleged to be a defendant to any of the other claims in Mandeville's complaint. Robinson has not yet been dismissed from or served with this action as a defendant. I now recommend that Robinson be dismissed from this action, as the complaint failed to allege any claim against him upon which relief might be granted.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: May 24, 2006

cc: W. Kirk Abbott, Jr., Esq.
John A. Curran, Esq.
Lisa Lee, Esq.
Michael J. Sheehan, Esq.
Ralph Suozzo, Esq.